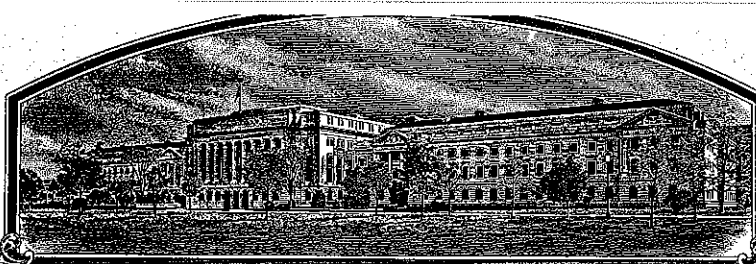


No.

200700083



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Chaddens Hillery Busbice

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSES, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

COWPEA

'Carolina Classic'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this fifteenth day of June, in the year two thousand and seven.

Attest:



*Alvin J. Zuber*

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

*William H. Johnson*  
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE  
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER <b>Thaddeus Hillery Busbice</b>		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME <b>407</b>	3. VARIETY NAME <b>Carolina Classic</b>	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) <b>3624 Kildaire Farm Road Cary, NC 27518</b>		5. TELEPHONE (include area code) <b>919-362-1583</b>	FOR OFFICIAL USE ONLY PVPO NUMBER <b>#200700083</b> FILING DATE <b>December 22, 2006</b>	
		6. FAX (include area code) <b>919-387-7918</b>		
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.)	8. IF INCORPORATED, GIVE STATE OF INCORPORATION	9. DATE OF INCORPORATION		
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) <b>Thaddeus Hillery Busbice 3624 Kildaire Farm Road Cary, NC 27518</b>			FILING AND EXAMINATION FEES: \$ <b>4382.00</b> DATE <b>12/22/2006</b> CERTIFICATION FEE: \$ <b>768</b> DATE <b>6/04/2007</b>	
11. TELEPHONE (Include area code) <b>919-362-1583</b>	12. FAX (Include area code) <b>919-387-7918</b>	13. E-MAIL <b>alfalfa@cimarronUSA.com</b>		
14. CROP KIND (Common Name)	16. FAMILY NAME (Botanical) <b>Leguminosae</b>	18. DOES THE VARIETY CONTAIN ANY TRANSGENES? (OPTIONAL) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF SO, PLEASE GIVE THE ASSIGNED USDA-APHIS REFERENCE NUMBER FOR THE APPROVED PETITION TO DEREGULATE THE GENETICALLY MODIFIED PLANT FOR COMMERCIALIZATION.		
15. GENUS AND SPECIES NAME OF CROP <b>Vigna unguiculata</b>	17. IS THE VARIETY A FIRST GENERATION HYBRID? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act) <input type="checkbox"/> YES (If "yes", answer items 21 and 22 below) <input checked="" type="checkbox"/> NO (If "no", go to item 23)		
19. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse)		21. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF CLASSES? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH CLASSES? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		
a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Exhibit F. Declaration Regarding Deposit g. <input checked="" type="checkbox"/> Voucher Sample (3,000 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) h. <input checked="" type="checkbox"/> Filing and Examination Fee (\$4,382), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		22. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, SPECIFY THE NUMBER 1,2,3, etc. FOR EACH CLASS. <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED (If additional explanation is necessary, please use the space indicated on the reverse.)		
23. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)		24. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		
25. The owners declare that a viable sample of basic seed of the variety has been furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.				
SIGNATURE OF OWNER <b>Thaddeus Hillery Busbice</b>		SIGNATURE OF OWNER		
NAME (Please print or type) <b>Thaddeus Hillery Busbice</b>		NAME (Please print or type)		
CAPACITY OR TITLE <b>Breeder</b>	DATE <b>12/20/06</b>	CAPACITY OR TITLE		DATE

**GENERAL INSTRUCTIONS:** To be effectively filed with the Plant Variety Protection Office (PVPO), **ALL** of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E, F; (3) for a tuber reproduced variety, a tuber reproduced variety or a viable plant in the form of a tissue culture will be deposited and maintained in an approved public repository; and (4) payment by credit card or check drawn on a U.S. bank for \$4,382 (\$518 filing fee and \$3,864 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice). **NEW:** With the application for a seed reproduced variety or by direct deposit soon after filing, the applicant must provide at least 3,000 viable untreated seeds of the variety *per se*, and for a hybrid variety at least 3,000 untreated seeds of each line necessary to reproduce the variety. Partial applications will be held in the PVPO for not more than 90 days; then returned to the applicant as un-filed. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 401, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. **DO NOT** use masking materials to make corrections. If a certificate is allowed, you will be requested to send a payment by credit card or check payable to "Treasurer of the United States" in the amount of \$768 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

**NOTES:** It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. The fees for filing a change of address; owner's representative; ownership or assignment; or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

**Plant Variety Protection Office**  
**Telephone:** (301) 504-5518 **FAX:** (301) 504-5291  
**General E-mail:** PVPOmail@usda.gov  
**Homepage:** <http://www.ams.usda.gov/science/pvpo/PVPindex.htm>

#### **SPECIFIC INSTRUCTIONS:**

To avoid conflict with other variety names in use, the applicant must check the appropriate recognized authority and **provide evidence** that the permanent name of the application variety (even if it is a parental, inbred line) has been cleared by the appropriate recognized authority before the Certificate of Protection is issued. For example, for agricultural and vegetable crops, contact: U.S. Department of Agriculture, Agricultural Marketing Service, Livestock and Seed Programs, **Seed Regulatory and Testing Branch**, 801 Summit Crossing Place, Suite C, Gastonia, North Carolina 28054-2193 Telephone: (704) 810-8870. <http://www.ams.usda.gov/lsg/seed.htm>.

#### **ITEM**

- 19a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
  - (2) the details of subsequent stages of selection and multiplication;
  - (3) evidence of uniformity and stability; and
  - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 19b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
  - (2) attach replicated statistical data for characters expressed numerically and demonstrate that these are clear differences; and
  - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness.
- 19c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 19d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 19e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
20. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant **MAY NOT** reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
23. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
24. See Section 55 of the Act for instructions on claiming the benefit of an earlier filing date.

**22. CONTINUED FROM FRONT** (Please provide a statement as to the limitation and sequence of generations that may be certified.)

**23. CONTINUED FROM FRONT** (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

**24. CONTINUED FROM FRONT** (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

200700083

19a. Exhibit A, Origin and Breeding History of the Variety

'Carolina Classic' is derived from a cross between 'Florida Zipper Cream' and experimental line L-63 obtained from Louisiana State University, Calhoun, LA.

The first filial generation was followed by several generations of segregation. Selections were made in each segregating generation based on compactness of plant type, vigor, pod size and placement on the plant, and culinary characteristics. The line that we have identified as 'Carolina Classic' was selected in the tenth filial generation.

'Carolina Classic' can easily be distinguished from the parent varieties 'Florida Zipper Cream' and experimental line L-63. 'Carolina Classic' has purple pigmentation in the stem nodes and in the seed pods, whereas 'Florida Zipper Cream' has no purple pigmentation. 'Carolina Classic' is a crowder type variety, whereas experimental line L-63 is not a crowder type.

'Carolina Classic' appears stable and uniform through five generations of seed increase.

No variants were observed.

## 19b. Exhibit B, Statement of Distinctness

'Carolina Classic' is most similar to 'Carolina Sugar'. 'Carolina Classic' differs from 'Carolina Sugar' in seed color and seed shape of the dry pea. 'Carolina Classic' seeds are distinctively more pigmented than 'Carolina Sugar'. (Please see Table 1 below and the photographs attached to this document.) The dry seed of 'Carolina Classic' darkens in color with time in storage whereas 'Carolina Sugar' is stable over time with respect to dry seed color. (Please see Table 2 below.)

'Carolina Classic' seeds have the classic crowder seed shape associated with crowding in the seed pod, whereas 'Carolina Sugar' seeds show less evidence of crowding in the seed pod. 'Carolina Classic' seeds are angular in shape, whereas 'Carolina Sugar' are less angular and more spherical in shape. (Please see the photographs attached to this document.)

TABLE 1. Seed color comparisons of dry peas of 'Carolina Classic' and 'Carolina Sugar' cowpeas.

<u>Location</u>	<u>Seed color according to 'Munsell Color Charts for Plant Tissue'</u>	
	<u>Carolina Classic</u>	<u>Carolina Sugar</u>
North Carolina	7.5YR 6.5/4	7.5YR 8/4
Oklahoma	7.5YR 7/4	7.5YR 8/4

TABLE 2. Seed color change of dry peas after storage for one year at room temperature.

<u>Time Change</u>	<u>Carolina Classic</u>	<u>Carolina Sugar</u>
Immediately after harvest	7.5YR 6.5/4	7.5YR 8/4
After storage	7.5YR 5/8	7.5YR 8/4

200700083



CAROLINA SUGAR



CAROLINA CLASSIC

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 1.66 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705

Exhibit C

OBJECTIVE DESCRIPTION OF VARIETY  
Cowpea (*Vigna unguiculata* L.(Walp.))

NAME OF APPLICANT (S) Thaddeus Hillery Busbice	TEMPORARY OR EXPERIMENTAL DESIGNATION 407	VARIETY NAME Carolina Classic
ADDRESS (Street and No. or RD No., City, State, and Zip Code, Country) 3624 Kildaire Farm Road Cary, NC 27518		FOR OFFICIAL USE ONLY PVPO NUMBER #200700083

PLEASE READ ALL INSTRUCTIONS CAREFULLY:

Place the appropriate number that describes the varietal characters typical of this variety in the spaces below.  
Place a zero in the first box (e.g.  or ) when number is either 99 or less or 9 or less.

1. PLANT HABIT AT GREEN SHELL STAGE:

1= Erect 2= Semierect 3= Procumbent  
4= Prostrate

2. PLANT SIZE:

cm High at Maturity

3. STEM COLOR:

1= Green 2= Purple

4. NODE COLOR:

1= Green 2= Purple

5. FOLIAGE:

1= Open 2= Compact

6. LEAF COLOR:

1= Light Green 2= Medium Green 3= Dark Green

7. LEAF SURFACE:

1= Smooth 2= Blistered

1= Dull 2= Glossy

8. FLOWER COLOR:

1= Purple 2= Lavender 3= Tinged 4= White

9. FIRST FLOWERING:

Number of Days

10. POD:

Placement: 1= Below Foliage 2= Above Foliage 3= At Foliage Level  
 cm Long  mm Wide  Curvature 1= Straight 2= Curved  
 Constrictions: 1= None 2= Slight 3= Deep  Surface (Green shell maturity) 1= Dull 2= Glossy  
 Color (Green Shell Maturity): 1= Silver-green 2= Green 3= Light Purple 4= Dark Purple  
 Color (Dry maturity): 1= White 2= Straw 3= Drab 4= Purple  
 Cross Section (Green Shell Stage Width/Height): 1= (1: <) 2= (1: >) 3= (1:1)

6

## 11. SEED:

#200700083

15

Number of Seeds Per Pod

Shape (see Page 3)

1 = Kidney 2 = Ovate to Ovoid 3 = Crowder  
4 = Globose 5 = Rhomboid

08

mm Long

08

mm Wide

6

Hilar Eye Type:

1=



2=



3=



4=



5=



6=



3 2 2

gm per 1000 Seeds

SPECKLED

BLOTCH

NARROW

BIG

SMALL

VERY SMALL

Coat: 1 = Wrinkled 2 = Smooth  
Color Pattern: 1 = Single Color 2 = Patterned 3 = Marbled 4 = SpeckledPrimary Color (Single Color or Basic Color): 1 = Purple 2 = Black 3 = Dull Black 4 = Blue 5 = Red  
6 = Coffee 7 = Maroon 8 = Buff or Clay 9 = Pink 10 = White

SECONDARY COLORS PRODUCING THE PATTERN, MARBLING OR SPECKLING (Enter a zero in boxes where the colors do not identify the secondary colors.):

1 = Purple 2 = Black 3 = Dull Black 4 = Blue 5 = Red  
6 = Coffee 7 = Maroon 8 = Buff 9 = Pink 0 = White

## 12. DISEASE RESISTANCE (0 = Untested; 1 = Susceptible; 2 = Resistant):

<input type="checkbox"/> Vusarium Wilt	<input type="checkbox"/> Root Knot Nematode	<input type="checkbox"/> Charcoal Rot	<input type="checkbox"/> Zonate Leaf Spot
<input type="checkbox"/> Red Leaf Spot	<input type="checkbox"/> Powdery Mildew	<input type="checkbox"/> Cowpea Chlorotic Mottle Virus	<input type="checkbox"/> Southern Bean Mosaic Virus
<input type="checkbox"/> Bean Yellow Mosaic Virus	<input type="checkbox"/> Cucumber Mosaic Virus	<input type="checkbox"/> Bean Pod Mottle Virus	<input type="checkbox"/> Soybean Cyst Nematode
<input type="checkbox"/> Cowpea Yellow Mosaic Virus	<input type="checkbox"/> Bacterial Canker	<input type="checkbox"/> Cercospora Leaf Spot	<input type="checkbox"/> Sting Nematode
<input type="checkbox"/> Rust	<input type="checkbox"/> Southern Blight	<input type="checkbox"/> Root Rot	<input type="checkbox"/> Other (Specify) _____

## 13. INSECT:

<input type="checkbox"/> Mexican Bean Beetle	<input type="checkbox"/> Cowpea Aphid	<input type="checkbox"/> Cowpea Curculio	<input type="checkbox"/> Stink Bugs
<input type="checkbox"/> Lesser Cornstalk Borer	<input type="checkbox"/> European Cornborer	<input type="checkbox"/> Corn Earworm	<input type="checkbox"/> Beet Armyworm
<input type="checkbox"/> Thrips	<input type="checkbox"/> Serpentine Leaf Miners	<input type="checkbox"/> Other (Specify) _____	

## 14. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLE THAT SUBMITTED:

CHARACTER	NAME OF VARIETY	CHARACTER	NAME OF VARIETY
Plant size	Carolina Sugar	Plant habit	Carolina Sugar
Pod size	Carolina Sugar	Plant pigmentation	Carolina Sugar
No. days to maturity	Carolina Sugar	Seed coloration	Colosus

## Instructions

GENERAL: The following publications may be used as a reference aid for completing this form:

1. C. V. Piper, 1912, *Agricultural Varieties of Cowpea and Related Species*, U.S.D.A., Bulletin No. 229.
2. L. L. Ligon, 1958, *Characteristics of Cowpea Varieties*, Oklahoma State University, Bulletin B-518.
3. W. J. Spillman and W. J. Sando, 1929, *Mendelian Factors in the Cowpea*, papers of the Michigan Academy of Science Arts and Letters, Vol XI.



**LEAF COLOR:** Any recognized color chart may be used to determine the leaf color of the described variety. The following cowpea varieties may be used as a guide to identify colors listed:

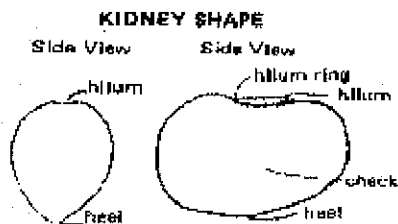
1. Light Green – Texas Cream 40    2. Medium Green – Big Boy    3. Dark Green – California Blackeye #5.

**#200700083**

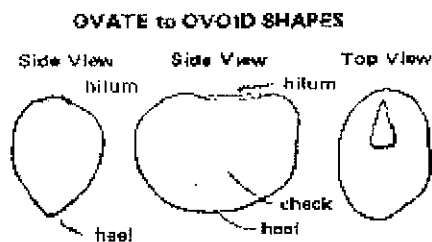
**FLOWER COLOR:** White flower should be treated with a one percent solution of hydrochloric acid to determine if anthocyanin is present. If color appears as a result of the test, classify as tinged.

**TERMS USED TO DESCRIBE SHAPES:**

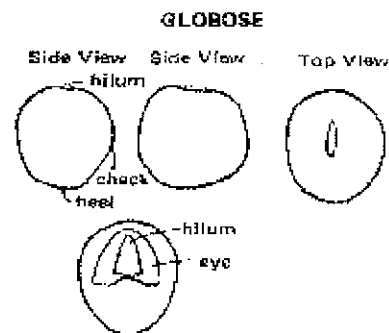
**KIDNEY SHAPE**



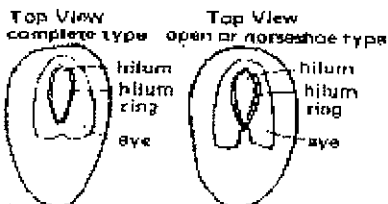
**OVATE to OVOID SHAPES**



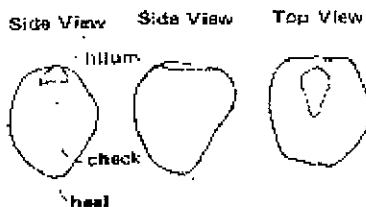
**GLUBOSE**



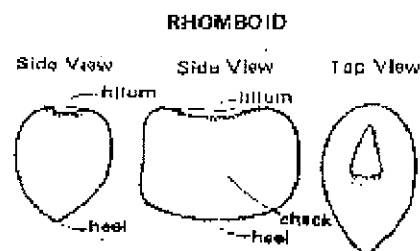
**CROWDER**



**CROWDER**



**RHOMBOID**



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). The information is held confidential until the certificate is issued (7 U.S.C. 2426).

**EXHIBIT E**  
**STATEMENT OF THE BASIS OF OWNERSHIP**

1. NAME OF APPLICANT(S)  Thaddeus Hillery Busbice	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER  407	3. VARIETY NAME  Carolina Classic
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)  3624 Kildaire Farm Road Cary, NC 27518	5. TELEPHONE (Include area code)  919-362-1583	6. FAX (Include area code)  919-387-7918
7. PVPO NUMBER  <b>#200700083</b>		

8. Does the applicant own all rights to the variety? Mark an "X" in the appropriate block. If no, please explain.



YES



NO

9. Is the applicant (individual or company) a U.S. national or a U.S. based company? If no, give name of country.



YES



NO

10. Is the applicant the original owner?



YES



NO

If no, please answer one of the following:

a. If the original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. National(s)?



YES



NO

If no, give name of country

b. If the original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company?



YES



NO

If no, give name of country

11. Additional explanation on ownership (Trace ownership from original breeder to current owner. Use the reverse for extra space if needed):

The variety 'Carolina Classic' for which Plant Variety Protection is hereby sought was developed by Dr. Thaddeus Hillery Busbice, the applicant. Dr. Busbice is employed by Cimarron USA, LLC as manager and owner of the corporation. By agreement between the employee and Cimarron USA, LLC, all rights to any invention, discovery, or development made by the employee while employed by Cimarron USA, LLC, is the sole property of the employee.

**PLEASE NOTE:**

Plant variety protection can only be afforded to the owners (not licensees) who meet the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed the final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definitions.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 0.1 hour per response, including the time for reviewing the instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, or protected genetic information. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 14th and Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice and TDD). USDA is an equal opportunity provider and employer.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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**U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE AND TECHNOLOGY  
PLANT VARIETY PROTECTION OFFICE  
BELTSVILLE, MD 20705**

**EXHIBIT F  
DECLARATION REGARDING DEPOSIT**

NAME OF OWNER (S)  Thaddeus H. Busbice	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)  3624 Kildaire Farm Road Cary, NC 27518	TEMPORARY OR EXPERIMENTAL DESIGNATION  407
NAME OF OWNER REPRESENTATIVE (S)	ADDRESS (Street and No. or RD No., City, State, and Zip Code and Country)  3624 Kildaire Farm Road Cary, NC 27518	VARIETY NAME Carolina Classic FOR OFFICIAL USE ONLY PVPO NUMBER <b>#200700083</b>

I do hereby declare that during the life of the certificate a viable sample of propagating material of the subject variety will be deposited, and replenished as needed periodically, in a public repository in the United States in accordance with the regulations established by the Plant Variety Protection Office.

*Thaddeus H. Busbice*

Signature

Date

*12/20/06*

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